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January 18, 2008

Hon. Charles L. Bricant, U.S.D.J.  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

Re: Farganis v. Barnett, et al  
07 Civ. 11490 (CLB)(GAY)

Dear Judge Bricant:

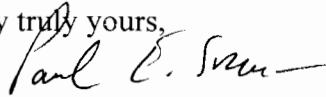
This firm represents the defendants in the above referenced matter.

I am writing in response to the request, annexed hereto, of plaintiff's attorney to consolidate the instant action with a new filing made by the plaintiff based upon the same facts and circumstances that give rise to the initial complaint.

As Ms. Ullrich states, Judge Yanthis recommended that she file a motion to amend her original complaint. Despite this proper procedure, and the advice of Judge Yanthis, she decided to file a new complaint.

Since plaintiff does not wish to follow the Court's directive, we request that the matter be remitted to Judge Yanthis to set briefing schedules to file a Rule 12(b)(6) motion, in lieu of an answer, relative to the new complaint together with a Rule 56 motion as previously approved by Judge Yanthis.

Very truly yours,



Paul E. Svensson (3403)

cc:

Hon. George A. Yanthis, U.S.M.J.  
Helen G. Ullrich, Esq.